

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jon Donson, et al.

Serial No.: 07/923,692

Group Art Unit: 1804

Filed: July 31, 1992

Examiner: P. Moody

For: PLANT VIRAL VECTORS
HAVING HETEROLOGOUS
SUBGENOMIC PROMOTERS FOR
SYSTEMIC EXPRESSION OF
FOREIGN GENES (AS
AMENDED)

Attorney Docket No.:
8129-022-999

For:

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COMMUNICATION AND CONFIRMATION OF INTERVIEW WITH
PTO EXAMINER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is to confirm a telephone conversation with the Examiner, Patricia Moody, on May 16, 1994 in connection with the above-captioned patent application. During this telephone conversation the undersigned advised the Examiner that he had another opportunity to review the finally allowed claims with his client and based on that review it was observed that two errors appear in some of the dependent claims for which correction is desired. Namely it was noted that claims 53 and 79 include a Markush group that includes the viruses known as rice necrosis virus and gemini virus. Rice necrosis virus is a podyvirus which does not have a naturally occurring subgenomic promoter as provided in the amended claims (this is apparently well known) and gemini virus is a DNA virus, not an

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~~PEMP-22915.1~~

RNA plant virus as defined in the amended claims. During the course of the interview, the Examiner agreed that the inclusion of these two viruses in the Markush group of Claim 53 and 79 was an obvious inadvertent error by both the Applicants and the Examiner and also concurred that the deletion of these two viruses would not introduce new matter.

The Examiner inquired with PTO officials in connection with the printing of the patent and ascertained that the patent had already been printed and an Amendment After Allowance would not be appropriate and therefore recommended that the Applicants file a Certificate of Correction as soon as the patent became available to the Applicants. The undersigned informed the Examiner that a Certificate of Correction will be promptly filed as soon as the patent is available to the Applicants to delete the terms "rice necrosis virus" and "gemini virus" in claims 53 and 79.

Respectfully submitted,

Date May 26, 1994


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